

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TRITON TECH OF TEXAS, LLC,

Plaintiff,

v.

NINTENDO OF AMERICA, INC.,

Defendant.

NO. C13-157RAJ

ORDER

The court has considered the parties' joint statement in response to the court's June 4 order. In that order, the court found each of the asserted claims of the patent-in-suit to be indefinite. It observed, however, that no party had actually requested that the court dismiss the case. The court requested further input from the parties.

Defendant asks the court to dismiss the case with prejudice and enter judgment accordingly. That is precisely the relief the court would have awarded in its June 4 order, had Defendant requested it.

Plaintiff's position is unusual. It contends that the June 4 order left nothing to be decided, and that it is therefore an appealable judgment. At the same time, however, it contends that the court should stay this case (despite the court's alleged entry of an appealable judgment) so that it can appeal. Plaintiff has not asked for entry of judgment, and the court disagrees that its June 4 order is the equivalent of a judgment. The court is aware of no basis for a stay.

ORDER – 1

1 In light of the parties' joint statement, the court finds no reason to delay entry of
2 judgment. For the reasons stated in the June 4 order, it finds the asserted claims of the
3 patent-in-suit to be indefinite, and thus invalid. The court directs the clerk to dismiss this
4 case with prejudice, and to enter judgment for Defendant.

5 DATED this 27th day of June, 2013.

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10 The Honorable Richard A. Jones
United States District Court Judge